



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,658	03/19/2001	Toshiaki Takaoka	04329.2539	9026

22852 7590 01/13/2004

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
1300 I STREET, NW
WASHINGTON, DC 20005

EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
----------	--------------

2111

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,658

Applicant(s)

TAKAOKA ET AL.

Examiner

Khanh Dang

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-11, 13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☒ Claim(s) 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oguma.

With regard to claim 9, Oguma discloses a mobile communication terminal device comprising: an external connector having a predetermined terminal arrangement structure (5); a first USB interface (interface between 5 and 6) sending and receiving a signal via the external connector between the mobile communication terminal device itself and an external device (6, for example); a serial data interface (at HUB 2) different from the first USB interface, sending and receiving a signal via the external connector between the mobile communication terminal device itself and an external device; first determination means (64, for example) for determining whether or not the external device comprises a second USB interface having USB host function (see also Figs. 1 and 3; and description thereof); and an interface selection means (see Fig. 3 and description thereof; particularly BIVIC 62 connected to HUB 63) for selecting a USB interface (interfacing 5 and 6) when it is determined that the external device comprises

USB interface having USB host function, and for selecting a serial data interface (at HUB 2) when it is determined that the external device does not comprise USB interface having host function. Note that it is clear from at least Figs. 1 and 3 that a part of terminals of the external connector is shared with the first external interface and the second external interface. With regard to claim 10, the first determination means (64, for example) detects a voltage value output from a specific terminal via external connector when an external device is connected to the external connector to determine an serial interface incorporated in the external devices. With regard to claim 11, the first determination means (64) detects an identification signal pattern output from a specific terminal via the external connector when an external device is connected to the external connector to determine a serial interface incorporated in the external device. See Fig. 3 and description thereof.

However, Oguma does not disclose that the external connector have a plurality of connecting pins. Oguma also does not disclose a "switching means" for connecting the pins of the Oguma connector with either a first USB interface or the serial data interface depending on the selection of the interface selection means (see Fig. 3 and description thereof; particularly BIVIC 62 connected to HUB 63) for data transfer.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Oguma's external connector with a "plurality of pins" for enabling connection with an external device; and also a so-called "switching means" for enabling connection between either a first USB interface or serial data interface and an external connector having an external device connected thereto after the interface

selection is made so that data can be transferred accordingly, since the Examiner takes Official Notice that such a "plurality of pins" and "switching means" are notoriously old and well-known for their use to perform the function of connecting and switching; and providing Oguma with such pins and switch for the purpose of enabling connection and switching interfaces only involves routine skill in the art. If Applicants choose to challenge the fact that pins and switch are old and well-known for their usage, supportive document(s) will be provided upon request.

Response to Arguments

Applicants' arguments filed 11/13/2003 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Yamamoto*, 740 F.2d 1569, 1571, 222 USPQ 934, 936 (Fed. Cir. 1984). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification can not be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not

in the claims or any arguments that are irrelevant and/or do not relate to any specific claimed language will not be warranted.

With regard to amended claim 9, Applicants argued that Oguma does not disclose an "interface selection means." Contrary to Applicants' argument, Oguma, as explained above, does disclose a so-called "interface selection means." See Fig. 3 and description thereof; particularly BIVIC 62 connected to HUB 63. Applicants' other arguments are moot in view of the new ground of rejection.

Allowable Subject Matter

Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

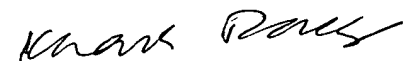
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2111

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read "Khanh Dang", written in a cursive style.

Khanh Dang
Primary Examiner